

Appl. No. 10/018,631
Amdt. dated December 22, 2003
Reply to Office Action of October 8, 2003

REMARKS/ARGUMENTS

In the Office Action, claims 9-18 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention as stated in the Office Action. Claim 9 has been amended for clarity, thereby to overcome this ground of rejection.

Claims 9-15, 18 were rejected under 35 USC 102(b) as anticipated by Shickel 4,902,550 on the grounds set forth in the Office Action.

Claims 16, 17 were rejected under 35 USC 103(a) as unpatentable over Shickel 4,902,550 in view of Botsolas 4,054,710 for the reasons stated in the Office Action..

The claims, as amended, are believed to overcome the rejections under 35 USC 102 and 103 in view of the following argument.

Shickel does not disclose that the outer layers of the insulation element are flame retardant. This is different from a thermal resistant material of the present invention because a flame retardant material does not support combustion while a thermal resistant material, such as paper, can support combustion.

As set forth in amended claim 1, the film layer comprised of flame-retardant material has through openings which are closed by

a second film. In Shickel, the through openings go through all the three outer layers 42, 44 and 46, as shown in Fig.3. Such perforations are described in Shickel also, for example in column 5, lines 3 to 6, Shickel does not teach that the perforations are offset relative to each other. Alignment of the perforations is required by Shickel for giving the vapour a possibility to escape. This means, that the material of the layer itself does not support defusion and does not let the vapour pass through except via the perforations.

In contradistinction to the foregoing teaching of Shickel, the present invention teaches that the second film which is closing the through openings in the first film layer is made of material which is open to vapour diffusion. It is further disposed in a window-like manner vis-à-vis the through openings in the first layer.

This combination is neither disclosed nor rendered obvious from Shickel considered alone or in combination with the teachings of Botsolas.

The insulation element of Shickel is of course able to let the water vapour escape. But, based on the through openings, water vapour cannot only escape, but also water can come in from outside. This is not possible with the insulation element according to the present claim 1 as amended. The present insulation element is protected against influences from outside including protection from flames by the flame retardant properties. In Shickel, flames may leak through the through openings of the insulation element.

The foregoing argument shows a novel construction of the present insulation element that is not taught by the cited art. The distinguishing features are set forth in the present claims, as amended. Accordingly this response is believed to overcome the foregoing grounds of rejection to secure allowance of the claims.

In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted
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by: _____
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CERTIFICATE OF MAILING UNDER 37 CFR SECTION 1.8(a)

I hereby certify that the accompanying Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450; on December 22, 2003.

Dated: December 22, 2003

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